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JRW

Appl. No. : 09/653,595  
Confirmation No. : 4590  
Applicant : Ruth Marie Tritz, et al.  
  
Filed : August 31, 2000  
Title : METHOD AND APPARATUS  
FOR EVALUATING A  
FINANCIAL ACCOUNT  
APPLICANT  
  
TC/A.U. : 3624  
Examiner : Narayanswamy Subramanian  
  
Docket No. : 025213-9023-01  
  
Customer No. : 23409

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I, Mary A. Hietpas, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Mary A. Hietpas  
Signature  
March 20, 2006  
Date of Signature

#### AMENDED APPEAL BRIEF

Sir:

Applicants have appealed from the decision dated June 28, 2005 of the Examiner finally rejecting Claims 1-9, 26-32, and 40. This Amended Appeal Brief is submitted in response to the Notification of Non-Compliant Appeal Brief mailed February 27, 2006, and is filed within the one-month period for response. Applicants' attorney timely filed a Notice of Appeal on September 28, 2005 and corresponding Appeal Brief on December 5, 2005. Charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of the fees associated with this Amended Appeal Brief.

The Examiner has indicated that the originally-filed Appeal Brief does not comply with 37 C.F.R. § 41.37(c)(1)(viii) because each of the appendices do not start on a new page. Applicants respectfully disagree that the appendices must start on a new page, however, Applicants have complied with the Examiner's request for each of the appendices to begin on a new page to prevent any potential delay for a decision of this appeal.

According to 37 C.F.R. § 41.37 there is no requirement that the appendices start on a new page. In addition, M.P.E.P. § 1205.02 states,

the specific items required by 37 CFR 41.37(c)(1) are:

...

(viii) *Claims appendix.* An appendix containing a copy of the claims involved in the appeal.

The copy of the claims should be a clean copy and **should** not include any markings such as brackets or underlining except for claims in a reissue application. See MPEP § 1454 for the presentation of the copy of the claims in a reissue application.

The copy of the claims should be double-spaced and the appendix should start on a new page.

(ix) *Evidence appendix.* An appendix containing copies of any evidence submitted pursuant to 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered in the record by the examiner. Reference to unentered evidence is not permitted in the brief. See 37 CFR 41.33 for treatment of evidence submitted after appeal. This appendix may also include copies of the evidence relied upon by the examiner as to grounds of rejection to be reviewed on appeal. The appendix **should** start on a new page. If there is no evidence being relied upon by appellant in the appeal, then an evidence appendix should be included with the indication "none."

(x) *Related proceedings appendix.* An appendix containing copies of decisions rendered by a court or the Board in any proceeding identified pursuant to 37 CFR 41.37(c)(1)(ii). The appendix **should** start on a new page. If there are no such copies of decisions being submitted in the appeal, then a related proceedings appendix should be included with the indication "none."

M.P.E.P. § 1205.02, emphasis added.

## I. REAL PARTY IN INTEREST

The real party in interest is eFunds Corporation, Gainey Center II, Suite 300, 8501 North Scottsdale Road, Scottsdale, Arizona 85253.

## II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interference proceedings in process that would directly affect or be directly affected by the Board's decision.

## III. STATUS OF CLAIMS

Claims 1-9, 26-32, and 40 are pending. Claims 41-49 are withdrawn from consideration. Claims 10-25 and 33-39 are canceled. Claims 1-9, 26-32, and 40 stand finally rejected and appealed.

#### IV. STATUS OF AMENDMENTS

Applicants have not made any amendments after the Examiner's final rejection.

#### V. SUMMARY OF CLAIMED SUBJECT MATTER

##### A. General Context of Embodiments of the Applicants' Invention

The invention relates to a system and method for evaluating applicants for financial accounts. In some aspects, the system automatically analyzes the applicants' credit bureau data and financial account information to determine whether to open the financial account for the applicant. Specification, page 1, lines 13-16.

##### B. Independent Claim 1

Independent Claim 1 is directed to a method of automatically evaluating a financial account applicant for a financial institution comprising the acts of accessing credit bureau data for the applicant (Specification, page 3, lines 30-34; page 4, lines 5; page 6, lines 4-9; page 16, lines 19-23; Fig. 1, credit bureau access module 42); accessing account information for the applicant (Specification, page 3, lines 23-25 and 30-34; page 4, lines 24-30; page 5, lines 24-31; page 16, lines 10-29; Fig. 1, preliminary financial account information database 18, operational data store module 34); generating a score for the applicant based on the credit bureau data and the account information (Specification, page 6, lines 10-26; page 16, lines 24-29; page 16, line 30 – page 25, line 25); and determining whether to open the financial account based on the score (Specification, page 26, line 1 – page 27, line 22; Fig. 2).

##### C. Independent Claim 9

Independent Claim 9 is directed to a computer-readable medium storing computer-readable instructions for evaluating a financial account applicant. The instructions direct the computer to perform the acts of accessing credit bureau data for the applicant (Specification, page 3, lines 30-34; page 4, lines 5; page 6, lines 4-9; page 16, lines 19-23; Fig. 1, credit bureau access module 42); accessing account information for the applicant (Specification, page 3, lines 23-25 and 30-34; page 4, lines 24-30; page 5, lines 24-31; page 16, lines 10-29; Fig. 1, preliminary financial account information database 18, operational data store module 34); generating a score for the applicant based on the credit bureau data and the account information (Specification, page 6, lines 10-26; page 16, lines 24-29; page 16, line 30 – page 25, line 25); and determining whether to open the financial account based on the score (Specification, page 26, line 1 – page 27, line 22; Fig. 2).

## VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Whether Claims 1-9, 26-32, and 40 are unpatentable under 35 U.S.C. § 103 as being obvious over U.S. Patent No. 6,088,686 ("Walker") in view of U.S. Patent No. 6,119,103 ("Basch")?

## VII. ARGUMENT

### A. The Law Governing Claim Rejections Under 35 U.S.C. § 103

The test for obviousness is what the combined teachings of the prior art would have suggested to one of ordinary skill in the art. In re Keller, 642 F.2d 413, 425, 208 U.S.P.Q. 871, 881 (CCPA 1981). In proceedings before the Patent and Trademark Office, the Examiner bears the burden of presenting a *prima facie* case of obviousness based upon the prior art. In re Fritch, 972 F.2d 1260, 1265, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992); In re Fine, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In re Vaeck, 947 F.2d 488, 493, 20 U.S.P.Q. 2d 1438, 1442 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. Id. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (CCPA 1974); M.P.E.P. §§ 706.02(j), 2143.03.

In establishing a *prima facie* case of obviousness, it is incumbent upon the Examiner to provide a reason why one of ordinary skill in the art would have been led to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Int. 1985). To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from Appellant's disclosure. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 U.S.P.Q.2d 1434, 1439 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988); In re Vaeck, 947 F.2d at 493, 20 U.S.P.Q.2d at 1442; M.P.E.P. § 2143. The Examiner can only establish a *prima facie* case of obviousness by pointing out some objective teaching in the prior art references themselves that would lead one of ordinary skill in the art to combine the relevant teachings and the references. In re Fine, 837 F.2d at 1074, 5 U.S.P.Q.2d at 1598-99; In re Jones, 958 F.2d 347, 351, 21 U.S.P.Q.2d 1941, 1943-44 (Fed. Cir. 1992); M.P.E.P. § 2143.01.

In addition, the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so. In re Gordon, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984); In re Mills, 916 F.2d 680, 682, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); M.P.E.P. § 2143.01.

B. The References

1. U.S. Patent No. 6,088,686 ("Walker")

Walker discloses a system and method for on-line processing of credit applications. The system includes a financial network terminal 14, a front-end processing and communications system 16, and an ACAPS processing system 26, which accesses various databases. Walker, col. 12, lines 36-48; FIGS. 1A-1B. A local branch representative ("LBR") 12 enters applicant data and the requested credit product. Id., col. 13, lines 5-12. The entered data is transferred to the ACAPS system 26 for on-line review and approval decision processing. Id. at lines 13-18.

The ACAPS system 26 accesses existing customer information stored in databases 18, 20, and 22 to determine a relationship code, which is used to identify price offers for the credit products. Id. at lines 19-47. The ACAPS system 26 proceeds to perform a front-end pre-screening process to identify any credit-qualified offers that the LBR 12 can present to the customer 10. Id. at lines 48-67. If the customer 10 accepts any of the offers, the credit qualified offer is converted to a request for credit, which requires on-line credit processing for final decision. Id., col. 14, lines 1-4. The ACAPS system 26 performs a fraud verification, and, if the applicant data passes, the ACAPS system 26 gathers credit bureau reports. Id. at lines 17-27. The ACAPS system 26 performs a disaster/policy screening, and, if the applicant data passes, a disaster response code (e.g., A, B, C, or D) is assigned to the application. Id. at lines 28-36; col. 7, lines 30-50; FIG. 41.

The ACAPS system 26 continues to process the application by performing a debt burden verification, and, if the applicant data passes, a debt burden response code is assigned to the application. Id. The ACAPS system 26 selects the worst response code between the disaster response code and the debt burden response code, which becomes the credit decision subcode. Id., col. 14, lines 47-49; col. 7, lines 30-50. The credit decision subcode or scoring response code is used to determine where the scoring response code falls within certain predetermined turndown cutoff ranges (e.g., Hard Approval, Investigate Reject-1, Investigate Reject-2, or Hard Reject-3) in order to assign a status code (e.g., RA-recommend approval, CA-conditional approval, CO-counter-offer approval, or RT-recommend turndown) to the application. Id., col. 14, line 47 through col. 15, line 21; FIG. 9. The status code determines

whether to accept or reject the application or whether to provide a conditional approval of the application. Id.

If the applicant requests a bankcard, the ACAPS system 26 performs additional processing. Id., col. 15, lines 22-25. The applicant data and requested product information is transferred to the bankcard account fulfillment system ("AFS") 40. If the applicant data passes the AFS 40 requirements, the requested product is assigned a credit limit based on either the application credit score and applicant income or the applicant's bank relationship amount and income. Id. at lines 39-43. The AFS 40 performs a maximum debt burden offer if the assigned credit limit is within a certain range to calculate a credit limit. Id. at lines 45-60; col. 7, lines 58-66; col. 8, lines 5-10. If the applicant 10 is not a student, a non-resident alien or self-employed, the AFS 40 assigns a bank liability balance response code (e.g., A, B, C, or D) to the application. Id., col. 15, line 61 through col. 16, line 15; col. 7, lines 30-50.

The ACAPS 26 selects the better of the liability balance response code and the credit response code as the final response code. Id., col. 16, lines 15-18; col. 7 lines 30-50. Based on the final response code, the automated review of the applicant data, and the scoring response code, the ACAPS 26 presents an automated credit offer decision. Id., col. 16, lines 19-21.

2. U.S. Patent No. 6,119,103 ("Basch")

Basch discloses a financial risk prediction system ("FRPS") 100 for assessing the level of financial risk pertaining to an account and/or account holder based on scoreable transactions. Basch, col. 6, lines 54-58. Scoreable transactions represent events pertaining to an account and/or an account holder that impact the financial risk level of that account and/or account holder. Id., col. 5, lines 8-11. Examples of scoreable transactions include authorization requests for purchases of goods or services made on credit, clearing and settlement transactions between merchants and account issuers pertaining to one or more accounts, account issuer-supplied account records, public records, and the like. Id., col. 5, lines 11-16. Credit bureau data is not included in this list.

C. Claims 1-9, 26-32, and 40 and 22 Are Not Obvious Under 35 U.S.C. § 103 In View of Walker And Basch

1. Claims 1-8

Independent Claim 1 defines method of automatically evaluating a financial account applicant for a financial institution comprising the acts of accessing credit bureau data for the applicant, accessing account information for the applicant, generating a score for the applicant

based on the credit bureau data and the account information, and determining whether to open the financial account based on the score.

Walker does not teach or suggest, among other things, a computer-implemented method of automatically evaluating a financial account applicant for a financial institution including the act of generating a score for the applicant based on the credit bureau data and the account information. The Examiner acknowledged that "Walker does not explicitly teach the step of generating a score for the applicant based on the credit bureau data and the account information." Office action dated October 19, 2004, page 3. Walker discloses a system that assigns a first alpha response code to disaster screening data and a second response code to debt burden data. The system of Walker selects the worst response code to be the credit decision subcode. The system of Walker assigns a third alpha response code to bank liability data, and the system selects the better of the credit decision subcode and the bank liability response code as the final alpha response code. The system of Walker merely assigns independent response codes to specific data and selects the best or worst response code to be the combined response code (as in the credit decision subcode and the final response code). In other words, in the system of Walker, the specific data is considered independently of other data when assigning the response codes – the data is not combined prior to assigning a response code. Walker does not teach or suggest generating a score for credit bureau data and applicant account information. Again, the system of Walker merely assigns independent response codes to specific data and selects the best or worst response code to be the combined response code. For these and other reasons, Walker does not teach or suggest the subject matter of independent Claim 1.

Basch does not cure the deficiencies of Walker. As discussed above, the Examiner acknowledged that "Walker does not explicitly teach the step of generating a score for the applicant based on the credit bureau data and the account information." Office action dated October 19, 2004, page 3. However, the Examiner contends that "Basch teaches the step of generating a score for the applicant based on the credit bureau data and the account information (See Basch Column 5 lines 11-16, 21-29, Column 6 line 64-Column 8 line 2 and Column 9 lines 24-34). Basch considers credit bureau data (See Basch Column 7 lines 64-66) and account information (See Basch Column 7 lines 15-29) in generating a score...." Office action dated June 28, 2005, pages 4-5.

Applicants disagree with the Examiner's contention that Basch teaches or suggests the act of generating a score for the applicant based on the credit bureau data and the account information. There is no suggestion in Basch that credit bureau data is combined with other

account information to generate a score. In fact, Basch teaches away from including credit bureau data because "credit bureau data typically pertains only to account data, e.g., account types, account limits, and historical payment information." Basch, col. 2, lines 18-20. In addition, Basch states "credit bureaus do not have the ability to ascertain transaction pattern to warn account issuers of potential financial risks." Id. at lines 33-35. According to Basch, the FRPS system is attempting to warn account issuers of potential financial risks based on current data from scoreable transactions, there is no need to consider historical data from a credit bureau to generate a financial risk score.

As pointed out by the Examiner, Basch mentions that "credit bureau data, although not public in the sense that they are freely available, may also be received." Id., col. 7, lines 64-65. However, the generated score is not based on the credit bureau data. Basch indicates that public record data is entered into FRPS to authenticate scoreable transactions and to create a predictive model. Id. at lines 44-48. The predictive models are generated based on public records and are used to score the scoreable transactions, which are defined at column 5, lines 8-16. The following paragraph in column 5 indicates that credit bureau data cannot be included as a scoreable transaction because

[u]nlike prior art risk prediction techniques which typically employ only historical payment data for financial risk assessment purposes, the present invention advantageously takes advantage of the immediacy of scoreable transactions in assessing financial risks. Since scoreable transactions more accurately reflect the current financial risk level of a particular account and/or account holder than historical payment data, the use of scoreable transactions in assessing financial risk advantageously enables account issuers to timely receive financial risk scores based on events that impact financial risk rather than on data which are updated only monthly or per billing cycle.

Id., col. 5, lines 17-29.

To further support Applicants' argument that credit bureau data cannot be included as a scoreable transaction, Basch, consistent with the recited paragraph above, states

The data kept by credit bureaus is significantly dated since data from the various account issuers is typically not updated with the credit bureaus until after the end of each billing cycle (which may be, for example, monthly or quarterly). Accordingly, the credit bureaus typically do not have accurate or adequate data pertaining to the credit performance of a particular account holder in between reporting periods. Since credit bureau scores are not based on financial transaction data, a credit bureau would not be able to, for example, warn account issuers that certain accounts and/or account holders are at risk based on the recent transactions.

Id., col. 2, lines 21-32.

For at least the reasons discussed above, Basch does not teach or suggest, among other things, the act of generating a score for the applicant based on the credit bureau data and the account information.

The Examiner has also failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, the Examiner must provide a reason why one of ordinary skill in the art would have been led to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. The requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from Applicants' disclosure. The Examiner can only establish a *prima facie* case of obviousness by pointing out some objective teaching in the prior art references themselves that would lead one of ordinary skill in the art to combine the relevant teachings and the references.

The Examiner merely states that "it would have been obvious to one with ordinary skill in the art at the time of the current invention to include these steps to the disclosure of Walker. The combination of the disclosures taken as a whole suggests that Financial Institutions would have benefited [sic] from the early warnings about the risks associated with opening an account." Office action dated June 28, 2005, page 5.

The Examiner has not identified in the prior art a suggestion to modify the Walker system to include the FRPS system of Basch. In Walker, there is no suggestion for the use of scoreable transaction data. Because the system in Walker and the system in Basch utilize very different processes for analyzing data, adding data from such a different system would most likely require undue experimentation to modify the process just to accommodate other data. For these and other reasons, Walker and Basch, alone or in combination, do not teach or suggest the subject matter defined by independent Claim 1. Accordingly, independent Claim 1 is allowable.

Dependent Claims 2-8 depend from independent Claim 1 and are allowable for the same and other reasons.

2. Claim 40

Claim 40 depends from Claim 1 and is allowable for at least the reasons Claim 1 is allowable. Dependent Claim 40 further specifies that the score is a numerical score. Walker discloses a system that assigns alpha response codes to certain data. The system of Walker does not teach or suggest generating a numerical score.

Basch does not cure the deficiencies of Walker. Basch does not indicate that the generated score is numerical. For these and other reasons, Walker and Basch do not teach or suggest the additional subject matter defined by Claim 40.

3. Claims 9 and 26-32

Independent Claim 9 defines a computer-readable medium storing computer-readable instructions for evaluating a financial account applicant. The instructions direct the computer to perform the acts of accessing credit bureau data for the applicant, accessing account information for the applicant, generating a score for the applicant based on the credit bureau data and the account information, and determining whether to open the financial account based on the score.

Walker does not teach or suggest, among other things, a computer-readable medium that stores computer-readable instructions that performs the act of generating a score for the applicant based on the credit bureau data and the account information. Rather, Walker discloses a system that assigns a first alpha response code to disaster screening data and a second response code to debt burden data. The system of Walker selects the worst response code to be the credit decision subcode. The system of Walker assigns a third alpha response code to bank liability data, and the system selects the better of the credit decision subcode and the bank liability response code as the final alpha response code. The system of Walker merely assigns independent response codes to specific data and selects the best or worst response code to be the combined response code (as in the credit decision subcode and the final response code). In other words, in the system of Walker, the specific data is considered independently of other data when assigning the response codes – the data is not combined prior to assigning a response code. Walker does not teach or suggest generating a score for credit bureau data and applicant account information. Again, the system of Walker merely assigns independent response codes to specific data and selects the best or worst response code to be the combined response code. For these and other reasons, Walker does not teach or suggest the subject matter of independent Claim 9.

Basch does not cure the deficiencies of Walker. As discussed above, the Examiner acknowledged that “Walker does not explicitly teach the step of generating a score for the applicant based on the credit bureau data and the account information.” Office action dated October 19, 2004, page 3. However, the Examiner contends that “Basch teaches the step of generating a score for the applicant based on the credit bureau data and the account information (See Basch Column 5 lines 11-16, 21-29, Column 6 line 64-Column 8 line 2 and Column 9 lines 24-34). Basch considers credit bureau data (See Basch Column 7 lines 64-66)

and account information (See Basch Column 7 lines 15-29) in generating a score...." Office action dated June 28, 2005, pages 4-5.

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As pointed out by the Examiner, Basch mentions that "credit bureau data, although not public in the sense that they are freely available, may also be received." Id., col. 7, lines 64-65. However, the generated score is not based on the credit bureau data. Basch indicates that public record data is entered into FRPS to authenticate scoreable transactions and to create a predictive model. Id. at lines 44-48. The predictive models are generated based on public records and are used to score the scoreable transactions, which are defined at column 5, lines 8-16. The following paragraph in column 5 indicates that credit bureau data cannot be included as a scoreable transaction because

[u]nlike prior art risk prediction techniques which typically employ only historical payment data for financial risk assessment purposes, the present invention advantageously takes advantage of the immediacy of scoreable transactions in assessing financial risks. Since scoreable transactions more accurately reflect the current financial risk level of a particular account and/or account holder than historical payment data, the use of scoreable transactions in assessing financial risk advantageously enables account issuers to timely receive financial risk scores based on events that impact financial risk rather than on data which are updated only monthly or per billing cycle.

Id., col. 5, lines 17-29.

To further support Applicants' argument that credit bureau data cannot be included as a scoreable transaction, Basch, consistent with the recited paragraph above, states

The data kept by credit bureaus is significantly dated since data from the various account issuers is typically not updated with the credit bureaus until after the end of each billing cycle (which may be, for example, monthly or quarterly).

Accordingly, the credit bureaus typically do not have accurate or adequate data pertaining to the credit performance of a particular account holder in between reporting periods. Since credit bureau scores are not based on financial transaction data, a credit bureau would not be able to, for example, warn account issuers that certain accounts an/or account holders are at risk based on the recent transactions.

Id., col. 2, lines 21-32.

For at least the reasons discussed above, Basch does not teach or suggest, among other things, the act of generating a score for the applicant based on the credit bureau data and the account information.

The Examiner has also failed to establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, the Examiner must provide a reason why one of ordinary skill in the art would have been led to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. The requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from Applicants' disclosure. The Examiner can only establish a *prima facie* case of obviousness by pointing out some objective teaching in the prior art references themselves that would lead one of ordinary skill in the art to combine the relevant teachings and the references.

The Examiner merely states that "it would have been obvious to one with ordinary skill in the art at the time of the current invention to include these steps to the disclosure of Walker. The combination of the disclosures taken as a whole suggests that Financial Institutions would have benefited [sic] from the early warnings about the risks associated with opening an account." Office action dated June 28, 2005, page 5.

The Examiner has not identified in the prior art a suggestion to modify the Walker system to include the FRPS system of Basch. In Walker, there is no suggestion for the use of scoreable transaction data. Because the system in Walker and the system in Basch utilize very different processes for analyzing data, adding data from such a different system would most likely require undue experimentation to modify the process just to accommodate other data. For these and other reasons, Walker and Basch, alone or in combination, do not teach or suggest the subject matter defined by independent Claim 9. Accordingly, independent Claim 9 is allowable.

Dependent Claims 26-32 depend from independent Claim 9 and are allowable for the same and other reasons.

## VIII. CLAIMS APPENDIX

Pursuant to 37 C.F.R. § 41.37(c)(1)(viii), a copy of only the claims involved in the appeal should be included in this appendix. Accordingly, this appendix includes a copy of only the claims involved in the appeal. Canceled and withdrawn claims and their identification numbers are not included in this appendix.

1. A computer-implemented method of automatically evaluating a financial account applicant for a financial institution, the method comprising the acts of:
  - electronically accessing credit bureau data for the applicant;
  - electronically accessing account information for the applicant;
  - electronically generating a score for the applicant based on the credit bureau data and the account information; and
  - determining whether to open the financial account based on the score.
2. A method as set forth in claim 1 wherein the act of determining whether to open the financial account includes the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to accept the application.
3. A method as set forth in claim 1 and further comprising the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to offer additional products and services of the financial institution to the applicant.
4. A method as set forth in claim 1 and further comprising the act of electronically accessing demographic data for the applicant and wherein the act of generating the score includes the act of basing the score on the demographic data.
5. A method as set forth in claim 4 wherein the demographic data includes at least a one of household income, home ownership, and education level.
6. A method as set forth in claim 1 and further comprising the act of performing a preliminary financial account information database search.

7. A method as set forth in claim 6 and further comprising the act of denying the applicant if the preliminary financial account database search establishes that the applicant had a previous financial account closed "for cause."
8. A method as set forth in claim 6 and further comprising the act of denying the applicant if the preliminary financial account database search establishes that the applicant has submitted more than a specified number of financial account applications to financial institutions within a given period of time.
9. A computer-readable medium storing computer-readable instructions for evaluating a financial account applicant, the instructions directing the computer to perform the acts of:
  - accessing credit bureau data for the applicant;
  - accessing account information for the applicant;
  - generating a score for the applicant based on the credit bureau data and the account information; and
  - determining whether to open the financial account based on the score.

26. A computer-readable medium as set forth in claim 9 wherein the instructions directing the computer to perform the act of determining whether to open the financial account includes instructions directing the computer to perform the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to accept the application.

27. A computer-readable medium as set forth in claim 9 wherein the instructions further direct the computer to perform the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to offer additional products and services of the financial institution to the applicant.

28. A computer-readable medium as set forth in claim 9 wherein the instructions further direct the computer to perform the act of accessing demographic data for the applicant and wherein the instructions directing the computer to perform the act of generating the score includes instructions directing the computer to perform the act of basing the score on the demographic data.

29. A computer-readable medium as set forth in claim 28 wherein the demographic data includes at least one of household income, home ownership, and education level.
30. A computer-readable medium as set forth in claim 9 wherein the instructions further direct the computer to perform the act of performing a preliminary financial account information database search.
31. A computer-readable medium as set forth in claim 30 wherein the instructions further direct the computer to perform the act of denying the applicant if the preliminary financial account database search establishes that the applicant had a previous financial account closed "for cause."
32. A computer-readable medium as set forth in claim 30 wherein the instructions further direct the computer to perform the act of denying the applicant if the preliminary financial account database search establishes that the applicant has submitted more than a specified number of financial account applications to financial institutions within a given period of time.
40. A method as set forth in claim 1 wherein the score is a numerical score.

**IX. EVIDENCE APPENDIX**

Appellants' have not submitted evidence pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other evidence entered by the examiner and relied upon in this appeal.

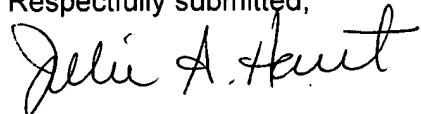
**X. RELATED PROCEEDINGS APPENDIX**

As noted above in Section II of this Appeal Brief, there are no related appeals or interference proceedings related to this application.

XI. CONCLUSION

In view of the foregoing, reversal of the final rejection of Claims 1-9, 26-32, and 40 and allowance of Claims 1-9, 26-32, and 40 are respectfully requested.

Respectfully submitted,



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